

**Notice of Allowability**

Application No.

09/541,773

Examiner

AHMED ELALLAM

Applicant(s) 

BULLIS ET AL.

Art Unit

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed on September 7, 2004.
2. ☒ The allowed claim(s) is/are 5-11 and 16-22 respectively renumbered 1-14.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 11/08/04.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

  
**JOHN PEZZLO**  
**PRIMARY EXAMINER**

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Janyce Mitchell on November 8, 2008.

The application has been amended as follows:

**In the claims:**

In claim 22, line 2 the phrase "step b4)" has been changed to --the step allowing the asynchronous signaling circuit to provide a signal to the write element once the second item pointer reaches a second predetermined threshold comprises a remove signal--.

2. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: the shaded elements of the drawing of figure 3 are eliminated to render descriptive labels readable. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

3. The following is an examiner's statement of reasons for allowance:

The prior art of records fails to teach or suggest the followings:

A data buffer, the data buffer comprising:

An entry section, the entry section comprising a buffer entry section, and a signaling circuit coupled to the entry section for providing a signal to transfer a portion of a data cell from the entry section prior to the data cell being completely received by the entry section, the signal being provided once an amount of data received by the entry section reaches a predetermined threshold, the predetermined threshold being sufficient to ensure that reading of the data cell cannot get ahead of the writing of the data cell, the signaling circuit providing a write signal to the entry section to begin writing another data cell into the entry section prior to the data cell being completely read in the entry section, the signal being provided based on a second predetermined threshold, the signaling circuit comprising an asynchronous signaling circuit, wherein the buffer entry section comprises a write element and a read element, and the write element and the read element each comprise an entry pointer, an item pointer and an entry counter, as indicated in independent claim 5.

A data buffer, the data buffer comprising:

An entry section including a buffer entry section, the buffer entry section comprising a write element and a read element, the write element and the read element each comprising an entry pointer, an item pointer and an entry counter, and a signaling circuit coupled to the entry section for providing a signal to transfer a portion of a data cell from the entry section prior to the data cell being completely received by the entry section, the signal circuit comprising an asynchronous signaling circuit including an add

signaling portion and a remove signaling portion, wherein the signal is provided once the amount of data received by the entry section reaches a predetermined threshold, the predetermined threshold being sufficient to ensure that reading of the data cell cannot get ahead of the writing of the data cell, and wherein the asynchronous signaling circuit provides a write signal to the write element to begin writing another data cell into the buffer entry section prior to the data cell being completely read from the buffer entry section wherein the signal is provided based on a second predetermined threshold, as indicated in independent claims 7, 8, 10 and 11.

A method of transferring data in the buffer of respective claim 5 and 7, as indicated in claims 16 and 20 respectively.

### ***Conclusion***

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

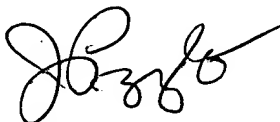
Any inquiry concerning this communication or earlier communications from the examiner should be directed to AHMED ELALLAM whose telephone number is (571) 272-3097. The examiner can normally be reached on 9-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kizou Hassan can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AHMED ELALLAM  
Examiner  
Art Unit 2662  
November 12, 2004

  
JOHN PEZZLO  
PRIMARY EXAMINER